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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,954	05/10/2001	Robert G. Arsenault	PD-Y95004B	7103

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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO, CA 90245-0956

EXAMINER

VO, NGUYEN THANH

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 09/28/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,954

Applicant(s)

ARSENAULT ET AL.

Examiner

Nguyen T Vo

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15-18, 35, 36 and 43-68 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43-68 is/are allowed.
- 6) ☒ Claim(s) 13, 15-18, 35-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13, 15-18, 35-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 13, 15-18, 35-36, they are indefinite because they depend on cancelled claims.

In addition, since the scope of claims 13, 15-18, 35-36 are not clearly understood, their patentability cannot be determined in this action. It is suggested that the above claims should be canceled in order to place the file in condition for allowance.

Allowable Subject Matter

3. Claims 43-68 are allowed.

Regarding independent claims 43, 51, 57, 63 and 67, Anderson (5,797,083) discloses a self-aligning satellite receiver antenna for automatically aligning the antenna based on the received signal strength (see abstract). Hirschfield (5,826,170) discloses generating a signal which is a difference between an in-band received signal and an out-of-band received signal in order to represent a signal quality in a satellite communication system (see column 6 lines 3-28). Muto (5,630,218) discloses using a plurality of filters to detect the received signal strength (see figures 1-4). However, the above cited prior art, either alone or in combination, fails to disclose a bypass circuit and

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a comparison circuit as specified in independent claim 43; a first filter and a comparison block as specified in independent claims 51 and 63 and 67; a first filter, a second filter, a third filter and a comparison block as specified in independent claim 57.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson (5,797,083) discloses a self-aligning satellite receiver antenna for automatically aligning the antenna based on the received signal strength (see abstract).

Hirschfield (5,826,170) discloses generating a signal which is a difference between an in-band received signal and an out-of-band received signal in order to represent a signal quality in a satellite communication system (see column 6 lines 3-28).

Muto (5,630,218) discloses using a plurality of filters to detect the received signal strength (see figures 1-4).

Arsenault (6,029,044) and Arsenault (6,272,313) are U.S. patents issued from two applications which are parent applications of the present application.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Vo whose telephone number is (703) 308-6728. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703)305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen Vo

Nguyen Vo
9-27-2004

NGUYENT.VO
PRIMARY EXAMINER